

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 29TH DAY OF MARCH 2019 / 8TH CHAITHRA, 1941

WP(C) .No.6464 of 2019

PETITIONERS:

- 1 MURUKAN,
AGED 54 YEARS
S/O. MUNIYANDI, COOLIE WORKER, NO.5 COLONY,
VISWANATHAPURAM P.O, MURIKKADI, PIN 685 535.
- 2 RAJAN S,
AGED 45 YEARS
S/O.SUDALAMADAN, COOLIE WORKER, NO.5 COLONY,
MURIKKADI, PIN 685 535.
- 3 KALIYAPPAN,
AGED 65 YEARS
S/O. KURUPPUSWAMI, COOLIE WORKER, NO. 5 COLONY,
MURIKKADI, PIN 685 535.
- 4 SHANMUGHAM,
AGED 45 YEARS
S/O. RAJU, COOLIWORKER, GANDHIVILASAM, MURIKKADI,
PIN 685 535.

BY ADVS.
SRI.K.A.MANZOOR ALI
SRI.M.M.HUSAIN

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
REVENUE DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 2 SECRETARY,
LAND BOARD, LAND BOARD OFFICE,
THIRUVANANTHAPURAM - 695 033.
- 3 SPECIAL TAHASILDAR,
LAND TRIBUNAL, THODUPUZHA, IDUKKI DISTRICT - 685 584.

4 TALUK TAHSILDAR,
 LAND TRIBUNAL, PEERUMEDU,
 IDUKKI DISTRICT - 685 531.

OTHER PRESENT:

SRI.S GOPINATHAN, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29.03.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

The petitioners' prayer in this writ petition is to the effect that their applications for patta shall not be transferred from Land Tribunal, Thodupuzha to Land Tribunal, Peerumedu. According to the petitioners, the proceedings based on the applications are ripe for passing orders and if the applications are transferred to Land Tribunal, Peerumedu, issuance of patta will be further delayed.

2. It is to be noted that the transfer is effected pursuant to a Government Order. The Government, noting the pendency of large number of cases before various Tribunals, constituted some more Tribunals and ordered to transfer the cases to those Tribunals. In such circumstances, this Court cannot interfere with the order of transfer. However, this Court is of the view that the cases which are ripe for passing orders shall not be transferred. It is made clear that only in such cases where the Tribunal is of the view that the proceedings are complete in all respects except what is to be required for passing orders, those cases need not be transferred.

Therefore, this writ petition is disposed of with the following directions:

The 3rd respondent-Tribunal shall find out whether the

applications of the petitioners are ripe for passing orders and also whether the proceedings are complete except for passing orders. If the cases are ripe for passing orders, such cases need not be transferred to other Tribunals. However, if the cases are not ripe for passing orders, necessary steps shall be taken to transfer those cases to other Tribunals without any delay. The transferee Tribunal shall dispose the applications following the directions of this Court in the common judgment in W.P.(C) No.28398 of 2017 and connected cases dated 14.03.2018. The petitioners shall produce a copy of the above common judgment along with this judgment before the transferee Tribunal as well.

sd/-

A . MUHAMED MUSTAQUE

JUDGE

smp

APPENDIX

PETITIONER'S EXHIBITS:

- EXHIBIT P1** **THE TRUE COPY OF THE REPORT FILED BY THE
REVENUE INSPECTOR TO THE 3RD RESPONDENT IN
SM 31/18 DATED 18-1-2018.**
- EXHIBIT P2** **THE TRUE COPY OF THE REPORT FILED BY THE
REVENUE INSPECTOR TO THE 3RD RESPONDENT IN
SM 177/18 DATED 19-09-2018**
- EXHIBIT P3** **THE TRUE COPY OF THE REPORT FILED BY THE
REVENUE INSPECTOR TO THE 3RD RESPONDENT IN
SM 178/18 DATED 19-09-2018**
- EXHIBIT P4** **THE TRUE COPY OF THE REPORT FILED BY THE
REVENUE INSPECTOR TO THE 3RD RESPONDENT IN
SM 179/18 DATED 19-09-2018.**
- EXHIBIT P5** **TRUE COPY OF THE ORDER NO.LB-A2-1124/2017
DATED 28-01-2019 OBTAINED BY THE PETITIONER
UNDER RIGHT TO INFORMATION ACT.**

RESPONDENTS' EXHIBITS: NIL.

True Copy

P.S to Judge

smp